

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WILLIAM ALLEN ROBERTS)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2011-00314
TAYLOR COUNTY RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
DEFENDANT)	

O R D E R

On August 15, 2011, William Allen Roberts filed a Complaint against Taylor County Rural Electric Cooperative Corporation ("Taylor County") alleging that he had unsuccessfully attempted to obtain electric utility service for over a year to his property at 728 Lether Burton Road in Columbia, Adair County, Kentucky. His complaint alleged that the neighboring property owners would not grant an easement for electric utility lines to be run across their property. The complaint requested that electric utility service be provided to his Lether Burton Road property as soon as possible, even if Taylor County was required to use its authority to commence a condemnation proceeding.

On September 6, 2011, the Commission issued an Order directing Taylor County to satisfy the matters complained of or file a written answer to the complaint. Also on September 6, 2011, Taylor County filed its Answer. In its Answer, Taylor County asserted that the co-owner of the Lether Burton Road property, Rhonda

Roberts, was a necessary and indispensable party to the proceeding and should be required to join the formal complaint. The Answer further stated that the property owned by the Complainant lies within the service area of Taylor County, that Complainant had contacted Taylor County's representatives for the purpose of making application for electric utility service at the property, and that Complainant had initiated construction of a cabin on the property. The Answer indicated that Taylor County had evidenced its willingness to acquire, through condemnation, an appropriate easement for the installation of underground service to the Complainant's property. Under that scenario, Taylor County indicated that Complainant would be expected to indemnify Taylor County, subject to any appropriate arrangements for periodic reimbursement, for the difference between underground and overhead installation, and for the actual costs associated with the prosecution of the condemnation proceeding. The Answer requested: (1) that the Complaint be dismissed; (2) that the co-owner of the property, Rhonda Roberts, be required to join as a necessary and indispensable party to the proceeding; and (3) that to the extent that this matter proceeded to resolution by Order of the Commission, the Complainant(s) be required, as a condition of extension of service to their property, to indemnify Taylor County for and with respect to all extraordinary costs incurred in achieving such service, including all costs attendant with the acquisition through condemnation of easements or rights of way, and the cost differential required with the installation of necessary underground service.

On October 27, 2011, Commission Staff's First Request for Information was issued to Taylor County and to the Complainant. On January 3, 2012, Commission Staff's Second Request for Information was issued to Taylor County.

On March 6, 2012, an Informal Conference ("IC") was conducted at the Commission's offices. At the IC, the parties agreed to discuss the issues further; and Taylor County indicated that it would file a status report by April 17, 2012.

On April 17, 2012, Taylor County filed a Status Report stating that the Robertses had sold the Lether Burton Road property and as such, "it would appear appropriate that the within proceeding be dismissed."¹

On May 23, 2012, a telephonic IC was conducted during which Mr. Roberts indicated that he wanted the Complaint dismissed.

KRS 278.260(1) states that the Commission shall have original jurisdiction over complaints as to rates or service of any utility "in which the complainant is directly interested."

Having considered the evidence and being otherwise sufficiently advised, the Commission finds that the Complainant is no longer the owner of the property located at 728 Lether Burton Road, Columbia, Adair County, Kentucky and, as he no longer has a direct interest in the property, his complaint should be dismissed as moot.

IT IS THEREFORE ORDERED that:

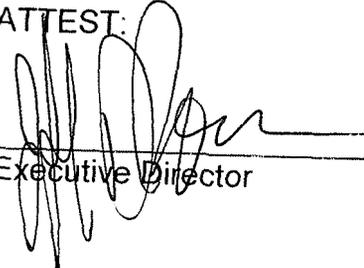
1. The Complaint against Taylor County which gave rise to this proceeding has been rendered moot.
2. This proceeding is dismissed and shall be removed from the Commission's docket.

¹ Status Report to Commission, filed by Taylor County Rural Electric Cooperative Corporation, April 17, 2012, p. 2.

By the Commission

ENTERED *PA*
JUN 25 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2011-00314

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